

# SENATE . . . . . No. 1782

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Robert A. O'Leary**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act Relative to Aggravated Drunk Driving.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert A. O'Leary	Cape and Islands
Susan C. Tucker	Second Essex and Middlesex
Robert L. Hedlund	Plymouth and Norfolk

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO AGGRAVATED DRUNK DRIVING.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** Section 24 of chapter 90 of the general laws is hereby amended by striking the words “eight one-hundredths or greater” in the first paragraph and inserting in place thereof the following words:- “between eight one-hundredths and nineteen one hundredths”

**SECTION 2.** Said section 24C of said chapter 90, as so appearing, is hereby further amended by adding, at the end of the first paragraph, the following: -

“Provided further, that whoever, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, operates a motor vehicle with a percentage, by weight, of alcohol in their blood of two tenths or greater, shall be punished by a fine of not less than one thousand nor more than ten thousand dollars or by imprisonment for not more than five years, or both such fine and imprisonment.”

**SECTION 3.** Section 24D of said chapter 90, as so appearing, is hereby amended by striking the words “of eight one-hundredths or greater” and inserting in place thereof the following:-

“between eight one-hundredths and nineteen one-hundredths”

**SECTION 4.** Said section 24D of said chapter 90, as so appearing, is hereby further amended by inserting, after the words “or any other jurisdiction.” in the second paragraph, the following: -

16 “This section shall not apply to any person convicted of or charged with operating a motor vehicle with a  
17 percentage, by weight, of alcohol in their blood of two-tenths or greater.”

18 **SECTION 5.** Said section 24D of said chapter 90, as so appearing, is hereby further amended by  
19 inserting at the end thereof, the following:-

20 “Notwithstanding any general or special law to the contrary, any person convicted of or charged with a  
21 third offense of operating a motor vehicle with a percentage, by weight, of alcohol in their blood of eight  
22 one-hundredths or greater, shall be deemed ineligible for the probation and hardship provisions of this  
23 section.”